

Application No.: 10/796,692
Filing Date: March 9, 2004

REMARKS

In response to the Office Action mailed June 18, 2008, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Summary of the Office Action

In the June 18, 2008 Office Action, Claims 18-22, 35 and 40 stand rejected. Claims 1, 2, 4-17, 23-34, 36, 38, 39 and 41-46 stand allowed. Further, Claim 40 stand objected to because of minor informalities. Finally, Claims 18-22, 35 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,327,989 issued to Furuhashi et al. (hereinafter "Furuhashi").

Summary of the Amendment

By this paper, Applicants have amended Claims 18, 20, 22, and 40, and added new Claims 47-48. Accordingly, Claims 1-2, 4-36, and 38-48 are currently pending in the present application. By this amendment, Applicants respond to the Examiner's comments and rejections made in the June 18, 2008 Office Action. Applicants respectfully submit that the present application is in condition for allowance.

Allowance of Claims 1, 2, 4-17, 23-34, 36, 38, 39, and 41-46

Applicants gratefully acknowledge the Examiner's allowance of Claims 1, 2, 4-17, 23-34, 36, 38, 39, and 41-46.

In re Objection to Claim 40

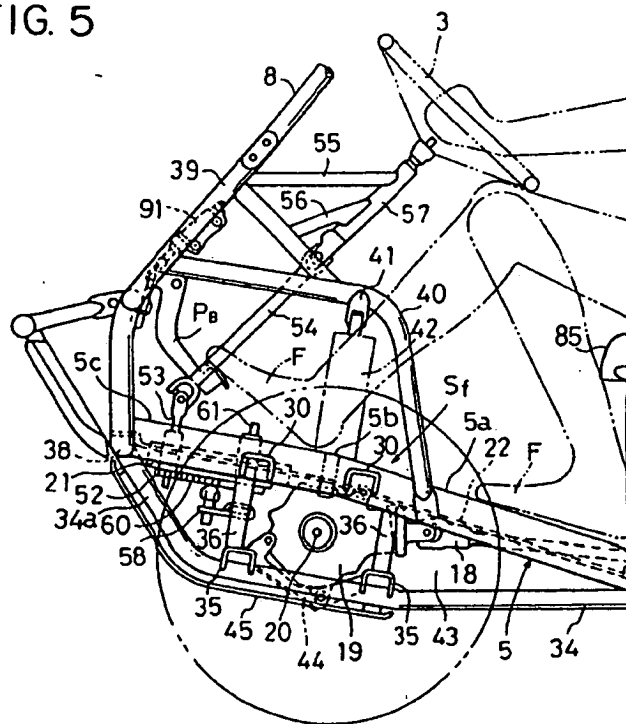
Claim 40 was objected to because of a minor informality. Applicants have amended Claim 40 to correct the informality noted by the Examiner. Accordingly, Applicants respectfully request that the objection to Claim 40 be withdrawn.

In re Rejection under 35 U.S.C. § 103(a)

In the Office Action, Claims 18-22, 35, and 40 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Furuhashi. While Applicants reserve the right to prosecute these claims as originally filed, Applicants have amended Claim 18 in order to expedite prosecution of this Application. Accordingly, Applicants respectfully request that the rejection of Claim 18, as well as Claims 19-22, 35, and 40 be withdrawn and that these claims be indicated as allowable over the art of record.

As shown below in Figure 5 of Furuhashi, Furuhashi illustrates first and second vertical members 36. Additionally, Furuhashi illustrates a pair of front and rear arm brackets 30 and 30 to which a pair of right and left upper arms 31 and 31 are connected. *See Furuhashi*, col. 6, lines 10-14. Furuhashi also illustrates a pair of front and rear cross members 35 and 35 to which a pair of right and left lower arms 33 and 33 are connected. *See id.* at col. 6, lines 17-24. Finally, Furuhashi indicates that the "right and left ends of each cross member 35 are connected through joint pipes 36 and 36 to the mainframes 1 and 1." *See id.* at col. 6, lines 28-31.

FIG. 5



Additionally, Furuhashi clearly illustrates that the rear bracket 30 is offset from the second vertical member 36. Furuhashi is devoid of any teaching and fails otherwise provide any reason

to align or overlap both of the front and rear brackets 30 and 30 as well as the front and rear cross members 35 and 35 with the respective first and second vertical members 36 and 36. Moreover, Furuhashi seems to teach that any other configuration will be less preferable because Furuhashi clearly teaches that the construction shown in Figure 5 enables Furuhashi "to provide as compact vehicle construction as possible to ensure a high driveability" (Furuhashi, col. 1, lines 66-68) and because Furuhashi provides no alternative configurations.

In contrast, Claim 18 recites an off-road vehicle configured with, *inter alia*, "the first vertical member supporting the first end of the first upper suspension arm and the third end of the second lower suspension arm such that at least a portion of each of the first end and the third end overlaps the first vertical member as seen in side view," and "the second vertical member supporting the second end of the first upper suspension arm and the fourth end of the second lower suspension arm such that at least a portion of each of the second end and the fourth end overlaps the second vertical member as seen in side view."

Figure 12 of the present Application, shown below, illustrates a non-limiting embodiment of the off-road vehicle within the scope of Claims 18. Figure 12 illustrates a pair of vertical support members 310, 312 and suspension arms 318, 320. As shown, the ends of the suspension arms 318, 320 overlap with the respective vertical support members 310, 312.

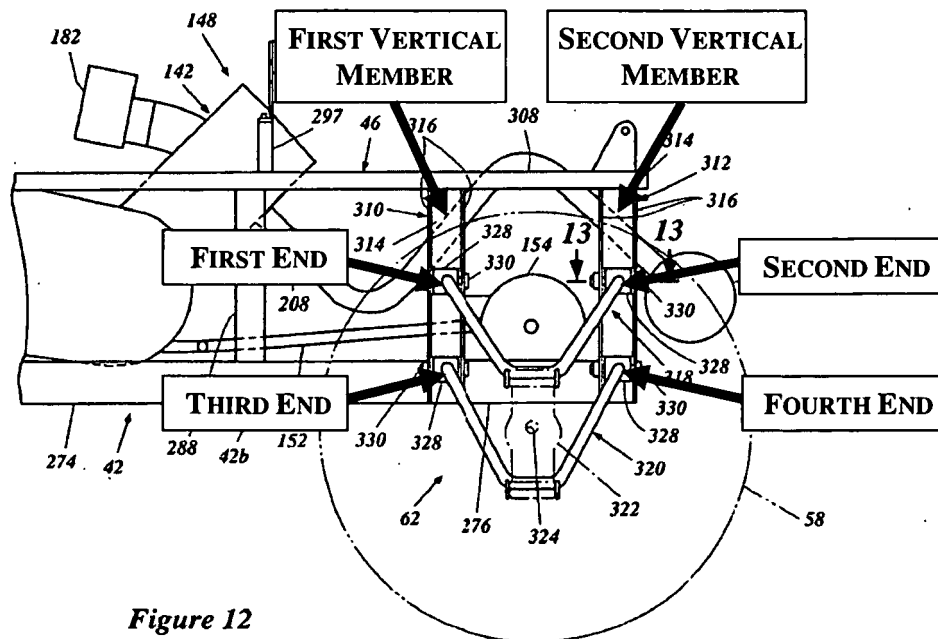


Figure 12

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Applicants respectfully submit that the unique arrangement described above, as well as the arrangement and spacing of the upper and lower rear retainers relative to each other, allows for a "rear suspension mounting construction thus can provide various vertical positions (i.e., elevations) of the suspension arms 318, 320 without changing the a major portion of the fundamental framework of the off-road vehicle 30 or without requiring rearrangement of the fundamental framework." Applicant's Application, ¶ [0124]. Instead, Furuhashi emphasizes that the vehicle should have as compact a construction as possible and therefore teaches away from a construction that allows for suspension arms that can be adjusted to a variety of vertical positions. *See* Furuhashi, col. 1, lines 66-68.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of these claims under Section 103(a) and indicate that Claim 18, as well as Claims 19-22, 35, and 40 are allowed over the art of record.

New Claims 47-48

Applicants also hereby submit new Claims 47-48 for consideration. Claims 47-48 depend from independent Claim 18 and are believed to be allowable based on their own merit and for at least the reason that these claims depend from an allowable independent base claim. Thus, Applicants respectfully request that the Examiner indicate the allowance of new Claims 47-48.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history

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shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

| Serial Number | Title | Filed |
|---------------|---|------------|
| 10/791,164 | OFF ROAD VEHICLE WITH AIR INTAKE SYSTEM | 03-02-2004 |
| 11/775,772 | OFF-ROAD VEHICLE WITH AIR INTAKE SYSTEM | 07-10-2007 |
| 10/796,609 | FRAME ARRANGEMENT FOR OFF-ROAD VEHICLE | 03-09-2004 |
| 10/803,274 | TRANSMISSION FOR OFF-ROAD VEHICLE | 03-18-2004 |
| 11/775,442 | TRANSMISSION FOR OFF-ROAD VEHICLE | 07-10-2007 |

CONCLUSION

Applicants respectfully submit that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, Applicants respectfully request that the Examiner indicate that Claims 1-2, 4-36, and 38-48 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements

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noted above, and Applicants reserve the right to later contest whether a proper reason exists to combine these references and to submit indicia of the non-obviousness of the claimed management system.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: October 7, 2008

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